

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALTRUIS GROUP, LLC,

Plaintiff,

-vs-

PROSIGHT SPECIALTY
MANAGEMENT COMPANY, INC.,
NEW YORK MARINE AND
GENERAL INSURANCE COMPANY
and GOTHAM INSURANCE
COMPANY,

Defendants.

Civil Action No.: 1:21-cv-10757-MKV

**AFFIDAVIT OF
ANTHONY M. TESSITORE**

Anthony M. Tessitore, an attorney admitted to practice before this Court hereby declares the following:

1. I am a partner at Tressler, LLP, attorneys for Plaintiff Altruis Group, LLC in the above captioned matter and have personal knowledge as to the contents of this affidavit.

2. I provide this affidavit in connection with Plaintiffs' Response to this Court's Order to Show Cause [ECF No. 99] why Plaintiff should not be sanctioned.

3. Following receipt of this Court's Order to Show Cause dated December 16, 2021, a specific inquiry was made to Altruis Group, LLC requesting that it identify its members.

4. On December 16, 2021, Altruis advised that Altruis Group, LLC had four members: Mr. Joseph J. Beneducci, Sr.; Mr. Joseph Beneducci, IV.; Mr. Jason Beneducci; and Mr. Jared Beneducci, all of whom were, and continue to be, citizens of Florida.

5. Plaintiff filed a Second Amended Complaint alleging that diversity of citizenship existed because Plaintiff, Altruis Group, LLC and its members are citizens of Florida and Defendants are citizens of New York. [ECF No. 28]

6. Altruis Group's principals and Altruis' counsel, to their core, premise all their conduct on being completely forthright and honest. It was never Plaintiff or Plaintiff's counsel's intention to mislead or deceive the Court.

7. At the deposition of Joseph Beneducci, Sr. taken on January 5, 2023, Mr. Beneducci testified that the sole member of Altruis Group, LLC was the Beneducci Family Legacy Trust. (See Excerpts of Deposition Testimony of Joseph Beneducci, Sr. attached as Exhibit "A" to the Jabbour affidavit at 27:9-14). Mr. Beneducci testified further that the Beneducci Family Legacy Trust owned Altruis Group, LLC and that he was the representative running it. See, Jabbour affidavit, Exhibit A at 27:1-7.

8. In response to Defendants' questioning, Mr. Beneducci also testified at deposition that the trustees of the Beneducci Family Trust were Mr. Beneducci and his attorney, Mr. Raftery. See Exhibit A at 28:2-6.

9. Plaintiffs became aware that Defendants had concern regarding a lack of visibility into the structure of the Beneducci family trust or the relationship between that trust to the LLC on July 31, 2023 in connection with the parties' preparation of the Proposed Joint Pre-Trial Order.

Dated: August 9, 2023



Anthony M. Tessitore

Sworn and subscribed before
Me on this 9th day of August 2023



Notary Public Attorney At Law
State of NJ
Bar ID 026682002